IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31/10/2003

CORAM

THE HONOURABLE MR. JUSTICE P.D.DINAKARAN

W.P.No.16197 of 1998

1. Villupuram Taluk SC/ST Taxi Owners-
cum-Drivers Association
No.59, Bharathiyar Salai, Villupuram
rep. by its Secretary
2. K.Murthy
3. R.Sundar
4. Harikrishnan
5. G.Sundaram
6. K.Prakash
7. M.Sivakumaran
8. Pattammal .. Petitioners

-Vs-

1. The Regional Director
SRBC, ONGC
Gandhi Irwin Road
M.M.D.A.Building
Chennai-8.

2. The Group General Manager (C.P.)
ONGC, Naravy Karaikal
Pin.609 604.

3. The Chief Manager (M.M.)
Cauvery Project
ONGC Naravy
Karaikal-609 604. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issue of a writ of Mandamus as stated therein.

For Petitioners : Mr.G.K.Selvarajan

For Respondents : Mr.P.Rathinadurai for R2 and R3
No appearance for R1

:ORDER

By a tender notification dated 10.7.1998, the respondent/ Corporation

invited tenders for hiring cars and jeeps imposing a condition that the participants in the tender should hold and possess the vehicles registered after the year 1997. However, the petitioners requested to relax the said condition contending that they could not purchase new vehicles, and it is under such circumstances the petitioners seek a writ of Mandamus to direct the respondents to consider the petitioners tender dated 7.8.1998 and the subsequent representation dated 20.8.1998, 25.8.1998 and 8.9.1998, wherein the petitioners requested the respondents to consider their tenders with respect to the vehicles which are registered prior to 1997.

2. In my considered opinion, if the petitioners fail to qualify the conditions of tender, it may not be proper for this Court to direct the respondents to consider the request of the petitioners to relax the conditions of the tender itself, as the powers of this Court under judicial review cannot be extended to interfere with the rights of the respondent/Corporation imposing certain conditions in the commercial transactions, as it is settled law that the relaxation or waiver of a rule or condition of tender, unless so provided under the tender itself, in favour of one bidder would create justifiable doubts in the minds of the other bidders, would also impair the rule of transparency and fairness, and in consequence would provide room for manipulation to suit the whims and fancies of the State agencies in picking and choosing a bidder for awarding contracts, vide W.B.SEB Vs. PATEL ENGINEERING CO. LTD reported in (2001) 2 SCC 451. In that view of the matter, finding no merits, this writ petition is dismissed. No costs.

Index : Yes
Internet : Yes

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